

DOCKET FILE COPY ORIGINAL  
Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

ORIGINAL

In the Matter of )  
 )  
Reallocation of Television Channels ) ET Docket No. 97-157  
60-69, the 746-806 MHz Band )  
 )  
To: The Commission

SEP 10 1997

**COMMENTS OF UNIVISION COMMUNICATIONS INC.**

Univision Communications Inc. ("UCI"), by its attorneys, hereby submits its comments in response to the Commission's above-referenced Notice of Proposed Rulemaking, FCC 97-245 (released July 10, 1997) ("NPRM").<sup>1/</sup> As discussed below, the Commission should take advantage of the opportunity presented during the reallocation of channels 60-69 to protect displaced low power television ("LPTV") stations in markets where no other channels are available.

**INTRODUCTION**

UCI owns and operates the Univision Network, which is the primary source of news and entertainment for this nation's large and rapidly growing Hispanic population.<sup>2/</sup> To serve this substantial audience, UCI relies upon 46 television stations nationwide. Of those, 24 are low-

---

<sup>1/</sup> These comments are timely filed as the NPRM was placed in the Federal Register, 62 Fed. Reg. 41012, on July 31, 1997. NPRM at 12-13 ("interested parties may file comments . . . 45 days after Federal Register publication. . .") (emphasis omitted).

<sup>2/</sup> The U.S. Hispanic population presently exceeds 26 million, comprising over 10% of the overall population. See STATISTICAL ABSTRACT OF THE UNITED STATES 1996 at 19 (116th ed. 1996). By 2050, the U.S. Hispanic population is expected to comprise 24.5% of the overall population. See, e.g., The Tampa Tribune, Hispanic Population on the Rise, March 15, 1996 (citing Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995-2050, U.S. Bureau of the Census (1996)).

CIVIL  
10/1/97

power television stations, seven of which are operated by subsidiaries of UCI.<sup>3/</sup> These LPTV stations currently provide service to Hispanic audiences in many large markets where no full power stations are available. The transition to digital television (“DTV”) will, however, force many of these LPTV stations off the air. Among the markets where Hispanic viewers will lose their current service are Washington, D.C.; Philadelphia, Pennsylvania; San Diego, California; and Fort Worth, Texas.

To prevent millions of Hispanic viewers from losing their major or only source of Spanish-language programming, UCI urges the Commission to accommodate these LPTV stations during the reallocation of television channels 60-69. Specifically, while UCI does not object to the allocation of a portion of this spectrum to the public safety sector, the Commission should use the remaining spectrum between channels 60 and 69 as a temporary “safe haven” for displaced LPTV stations from which these stations can continue to broadcast until they are able to move back into the core DTV spectrum.

**I. THE COMMISSION SHOULD USE CHANNELS 60-69 AS A “SAFE HAVEN” FOR DISPLACED LPTV STATIONS UNTIL THE DTV TRANSITION ENDS.**

As the Commission has recognized, a large number of LPTV stations will be displaced during the DTV conversion. Sixth Report and Order, Advanced Television Systems and Their Impact on Existing Television Service, MM Docket No. 87-368, at 65, 62 Fed. Reg. 26,684 (May 14, 1997). To mitigate this disruption of broadcast service, the Commission has stated that

---

<sup>3/</sup> These stations include: K07TA, Santa Maria, CA; K09UF, Morro Bay, CA; K19BN, San Diego, CA; K25DV, Santa Rosa, CA; KBNT-LP, La Jolla, CA; KSVN-LP, Ogden, UT; K66FN, Salt Lake City, UT; KCEC-LP, Pueblo, CO; K51DB, Cortez, CO; K39DW, Daggett and Rural Areas, CA; K47CO, Reno, NV; KBZO-LP, Lubbock, TX; KVER-LP, Indio, CA; W46AR, Milwaukee, WI; WMDO-LP, Washington, D.C.; WVEN-LP, Orlando, FL; and WVEA-LP, Tampa, FL. Univision’s Spanish-language LPTV stations include K48AM, Albuquerque, NM; K30CE, Austin, TX; KABE-LP, Bakersfield, CA; KUVN-LP, Fort Worth, TX; W47AD, Hartford, CT; WXTV-LP, Philadelphia, PA; and K52AO, Tucson, AZ.

it will “allow low power operations on all existing TV channels, including channels 60-69, provided that such operations do not cause harmful interference to any primary operations. [The Commission] will also permit displaced LPTV or TV translator stations to request operation on these channels on a non-interfering basis.” *Id.* at 66. UCI encourages the Commission to build upon this policy by establishing a “safe haven” for displaced LPTV stations to operate on channels 60-69 (excluding channels allocated to public safety services) during the DTV transition in those markets where no other channel is available.

Channels 60-69 offer a solution to the problem of displaced LPTV stations. In essence, these channels can act as a safety valve for LPTV stations in markets where LPTV stations displaced by DTV have no other channels available for operation. Allowing such operation will make full use of existing spectrum, and will not interfere with the Commission’s plan to auction off this spectrum and provide it to new licensees at the conclusion of the DTV transition. When the transition is concluded, core spectrum will become available as full power television stations select their channel for permanent DTV operations and vacate their second channel. LPTV stations can then move from their channel in the 60-69 band to the newly vacated channels within the core spectrum. In this way, continuity of service to the public can be maintained without interfering with the auction process or the revenues it will provide.

**II. FOR BOTH PUBLIC INTEREST AND PUBLIC SAFETY REASONS, THE COMMISSION MUST ENSURE THAT LPTV STATIONS THAT BROADCAST SPANISH-LANGUAGE PROGRAMMING REMAIN ON THE AIR.**

While Univision believes that the temporary use of channels 60-69 will largely resolve the issue of displaced LPTV stations, Univision recognizes that certain markets may still lack sufficient spectrum to accommodate every displaced LPTV station. In such cases, the Commission must ensure that displaced LPTV stations providing Spanish-language service are protected.

Protecting displaced LPTV stations that provide Spanish-language service accomplishes the Commission's primary purpose in this NPRM -- specifically, reallocating spectrum to those who need it to provide invaluable public safety services. A significant portion of Univision's audience relies exclusively upon Spanish-language programming for news and information. For those Hispanics that are not fluent in English, the Spanish-language news and emergency alert system messages carried by Spanish-language stations are vital links in the U.S. public safety system.

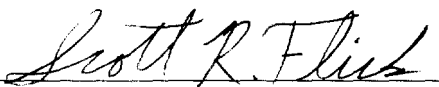
Thus, where the DTV transition threatens to eliminate such stations, the transition is doing more than eliminating the primary source of entertainment or education to the Hispanic community, it is eliminating the primary means of communicating emergency information to a significant portion of the population. When an English-language television station ceases to broadcast, its viewers have a multitude of alternate English-language stations available from which to receive their news, entertainment and information. Spanish-speaking audiences typically do not have these options. Because of the dearth of Spanish-language cable networks, even those viewers who do have cable television are dependent on the programming of their local LPTV station, particularly for local news and information. To avoid destruction of this essential service, the Commission must protect Spanish-language LPTV stations by providing such stations with displacement channels in the "safe haven" of channels 60-69 when no other channels are available.

**CONCLUSION**

For the reasons set forth above, the Commission should use channels 60-69 to establish a temporary "safe haven" for displaced LPTV stations that would otherwise be forced off the air. Such an approach is particularly necessary where failure to do so would put a significant portion of the Hispanic population at risk because of inadequate public safety news and information.

Respectfully submitted,

**UNIVISION COMMUNICATIONS INC.**

By:   
Clifford M. Harrington  
Scott R. Flick  
C. Brooke Temple III

Its Attorneys

FISHER WAYLAND COOPER LEADER  
& ZARAGOZA L.L.P.  
2001 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20006  
(202) 659-3494

Dated: September 15, 1997